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Message Text

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53
ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 SAJ-01 CPR-02 ACDA-19 IO-14 NIC-01 DRC-01

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P R 051206Z JUN 74
FM AMEMBASSY BONN
TO SECSTATE WASHDC PRIORITY 2969
USMISSION BERLIN PRIORITY
INFO AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 08850

E.O. 11652: GDS
TAGS: PFOR, WB, GW, US, UK, FR
SUBJECT: IMMUNITY FOR GDR PERMREPS IN WEST BERLIN

REFS: (A) BERLIN 882; (B) BONN 8286

1. FRENCH AND BRITISH RAISED AT 4 JUNE TRIPARTITE MEETING ISSUE OF PRIVILEGES AND IMMUNITIES (P&I) FOR GDR PERMREPS WHILE IN BERLIN. THEY HAD BOTH RECEIVED REPORTS FROM THEIR BERLIN MISSIONS REBORTING POSSIBLE COMPROMISE SUGGESTED REFTEL A. FRENCH REP (BOISSIEU) SAID THAT THE PROPOSED BK/L TAKING NOTE OF UNDER-TAKINGS IN GAUS-NIER WAS A GOOD IDEA AND WOULD PROBABLY BE ACCEPTABLE, BUT THAT PROPOSED BK/O ON P&I WAS NOT. UK REP (CROMARTIE) SAID HIS AUTHORITIES HAD AS YET COME TO NO FINAL VIEW RE EXTENSION OF APPROPRIATE PORTIONS GAUS-NIER, BUT SAID THREE ALLIES LUCKY THAT SOVIETS HAD NOT YET MADE ANOTHER PROTEST ON OVERALL P&I MATTER, AS THEY HAD DONE IN JANUARY IN BERLIN (SEE BERLIN 016
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AND BONN 194). HE ADDED, UK POSITION WAS THAT P&I

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ORDINANCE SHOULD NOT BE SEEN AS RESULT OF GAUS-NIER ART. 4, BUT AS CONSEQUENCE OF FACT THAT FRG AND GDR DID NOT ESTABLISH ACTUAL DIPLOMATIC RELATIONS, WHICH MEANT VIENNA CONVENTION COULD NOT, ACCORDING TO FRG LAW, BE APPLIED TO GDR PERMREPS AUTOMATICALLY. FRG CONSEQUENTLY CREATED THE MECHANISM OF THE ORDINANCE IN ORDER TO GRANT P&I TO GDR PERMREPS, BUT THAT THE ORDINANCE, IN ITSELF, IS NOT DEPENDENT IN ANY WAY ON GAUS-NIER. CROMARTIE THEN SAID HE HOPED US AUTHORITIES WOULD QUICKLY AGREE TO ISSUANCE P&I BK/O AND BK/L WITHOUT REGARD FOR FINAL TRIPARTITE DECISION ON GAUS-NIER EXTENSION.

2. COMMENT AND ACTION REQUESTED: WE THINK THAT COMPROMISE PROPOSED REFTEL A WAS GOOD ATTEMPT TO BRIDGE GAP AND REGRET THAT IT DID NOT FIND TRIPARTITE AGREEMENT. IT APPEARS, HOWEVER, THAT APPROVAL OF THE PROPOSED BK/L MAY YET BE OBTAINED AND WE SUGGEST PURSUING THIS AS POSSIBLE FALLBACK TO INSISTING THAT PROTOCOL NOTE 6 OF GAUS-NIER ACTUALLY BE EXTENDED. THOUGH WE ARE NOT SO CONCERNED ABOUT A POSSIBLE SOVIET PROTEST AS ARE THE BRITISH, IT WOULD, INDEED, STRENGTHEN OUR POSITION IN REPLYING TO PROTEST IF PROCESS OF ISSUING P&I BK/L AND BK/O HAD BEEN COMPLETED PRIOR TO RECEIPT OF SUCH A DEMARCHE.

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Disposition Remarks:
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